

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
(BEAUMONT DIVISION)

WILLIAM S. PICKERING, and
CHARLES R. MOORE,
Plaintiff,

vs.

UNION PACIFIC RAILROAD CO.,
Defendant.

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CIVIL ACTION No. 1:11-cv-718(RC)
JURY DEMAND

PLAINTIFF CHARLES MOORE'S OBJECTIONS AND ANSWERS TO
DEFENDANT UNION PACIFIC RAILROAD COMPANY'S
FIRST SET OF INTERROGATORIES

TO: Defendant, UNION PACIFIC RAILROAD COMPANY, by and through its
attorneys of record: Roger H. Nebel, Foreman Perry Watkins Krutz & Tardy,
LLP, 4900 Woodway Drive, Suite 940, Houston, TX 77056.

COMES NOW, CHARLES MOORE, Plaintiff in the above-styled and numbered cause
of action, and serves the attached Objections and Answers to Defendant Union Pacific Railroad
Company's First Set of Interrogatories.

Respectfully submitted,

SAMMONS & BERRY, P.C.

J. KIRKLAND SAMMONS
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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing instrument have been properly forwarded to all parties and/or counsel of record on the 26th April, 2012, in accordance with the Federal Rules of Civil Procedure, as follows:

Roger H. Nebel
Forman Perry Watkins Krutz & Tardy, LLP
4900 Woodway Drive, Suite 940
Houston, TX 77056
Attorney for Defendant
Union Pacific Railroad Company



J. KIRKLAND SAMMONS

ANSWER:

U.S. Army
01/1972- 03/1974
Fork Polk, Fort Sill & Korea

INTERROGATORY NO.4: For each and every employment, job or occupation which Charles Moore has had, state the employer's name and address and when and for how long he was so employed, the nature of his duties or the jobs performed, and the number of hours worked per week and the rate of pay for such work.

OBJECTIONS: Plaintiff objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is irrelevant and/or already in the possession, custody or control of Defendant. Subject to the foregoing objections, and without waiving the same, Plaintiff responds as follows:

ANSWER:

Omstead Machine Shop
Texas Gulf Sulfur
Southern Pacific Railroad / Union Pacific Railroad (6-27-1974 until 6-2-2011)

INTERROGATORY NO.5: State whether Charles Moore was ever a member of a trade or labor union and, if so, the name of each such union and the name and address of each local union and the dates of membership.

OBJECTIONS: Plaintiff objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is irrelevant and/or which should be in the possession, custody or control of his employer, the defendant in this case. Subject to the foregoing objections, and without waiving the same, Plaintiff responds as follows:

ANSWER: Yes. Brotherhood of Railway Carman, during the period of his employment with Union Pacific / Southern Pacific from 1974 to 2011.

INTERROGATORY NO.6: State whether Charles Moore has ever suffered from any diseases, illnesses, injuries, or disabilities, either physical or mental, including any suffered before or after the injuries or condition which are the subject of this lawsuit and, if so, state:

- (a) the nature and extent of such disease, illness, injury, or disability;
- (b) when and how it was sustained; and
- (c) the names and address of anyone who treated Charles Moore, including any hospitals, clinics or other facilities at which Charles Moore underwent any tests or received any treatment.

OBJECTIONS: Plaintiff objects to this interrogatory on the grounds that it is overly broad, not properly limited in time or subject matter, is unduly burdensome, and seeks information which is

ANSWER: I don't know.

INTERROGATORY NO. 10: State whether Charles Moore has ever been convicted of or plead guilty to any crime and, if so, explain when, where, and for what offense.

OBJECTIONS: Plaintiff objects to this interrogatory on the grounds that it is overly broad, not properly limited in time or subject matter, is unduly burdensome, and seeks information which is irrelevant. Subject to the foregoing objections, and without waiving the same, Plaintiff responds as follows:

ANSWER: No.

INTERROGATORY NO. 11: With regard to Charles Moore's allegations in the above-captioned matter regarding exposure to asbestos or other toxic substances, please state:

- (a) The dates of such exposure and the identity of the substance involved;
- (b) The manufacturer of each such substance or the trade name by which the product was known;
- (c) Describe the appearance and/or packaging of each such substance;
- (d) The exact location and manner of each exposure;
- (e) The name and address of Charles Moore's immediate supervisor and all persons with whom he worked during the course of exposure; and
- (f) Whether any protective equipment was available to Charles Moore, and if so, identify the equipment and the approximate date of such equipment usage.

OBJECTIONS: Plaintiff objects to this interrogatory on the grounds that it is overly broad, not properly limited in time or subject matter, is unduly burdensome, and seeks information which is irrelevant. Subject to the foregoing objections, and without waiving the same, Plaintiff responds as follows:

ANSWER:

- (a) 1974 – 2011 Union Pacific Railroad Company (f/k/a Southern Pacific Transportation Co.). Plaintiff worked as a Carman and Carman Apprentice in at Defendant's railroad shops located in Beaumont, Texas, and Lake Charles, Texas.
- (b) Based on Defendant Railroad's prior discovery responses in other cases, Defendant Railroad purchased and used many different asbestos containing products, including asbestos raw mud, lagging, sheeting, insulation block, various sizes and types of packing materials, millboard, gaskets, floor tile, paint, transite pipe, pipe covering and block, finishing, fire proofing and insulating cements, firebrick, friction brake lining, locomotive, passenger car and freight car brake shoes, steam hose, cloth, listing tape, roofing materials, welding gloves and

associated equipment. Defendant Railroad should have in its possession purchase orders and material safety data sheets for these materials.

- (c) Based on prior documents produced by Defendant Railroad in other cases, the following products/manufacturers/suppliers have been identified:

Product	Identified Manufacturer
Locomotives —many of the components on diesel locomotives contained asbestos including, but not limited to: brake grids and grid barriers, asbestos tape used to cover pipe, steam generators, asbestos gaskets, composition brake shoes and linings, exhaust stack insulation, etc.	General Electric General Motors (EMD) American Locomotive Co. (ALCO)
Railcars & Cabooses —many of the components on railcars and cabooses contained asbestos, including but not limited to: brake shoes, heat shields, spray insulation, flexible train line insulation, tape for insulating hot pipes, PFE refrigeration car stacks.	See individual products listed below.
Asbestos Tape —used to wrap steam and hot water pipes on locomotives and railcars	Union Asbestos & Rubber Co. (UNARCO) Amatex Novatex Jane's Brand (Ranger Rubber Co.) Anchor Rubber Co. Fairmont Co. Johns-Manville Raybestos Manhattan, Inc.
Asbestos Rope —used as packing material on steam generators on diesel locomotives and as a wick to heat rail when making joints	Johns-Manville (Thermo-Pac 1000)
Ground Asbestos —used for post curing process in making joints.	Johns-Manville (7M-13)
Asbestos Sealing and Glazing Compounds	Johns-Manville Tremco Manufacturing

	Perora Chemical Co. Overall Paint, Inc. Matcote Co., Inc. Day, James B and Co. Lawrence-McFadden Co. No-Ko-Rode Lucan
Asbestos-containing Barriers in Dynamic Brake Shoes	General Electric General Motors (EMD) Moseback
Asbestos Listing Tape —used on locomotives for wrapping field and armature coils, traction motor coils, and other high voltage purposes, as well as in upholstery and headliners on locomotives and railcars.	Johns-Manville (Style 4200) Johns-Manville (Style 122) Janes Brand/Ranger (No. 11625)
Asbestos Firebox Linings —used to line fireboxes on steam locomotives	Manufacturers unknown
Asbestos Gaskets	Garlock A.W. Chesterton Johns-Manville General Motors (EMD) General Electric
Asbestos Heat Shields —used as spark shields on railcars, around stoves in cabooses, and in welding for heat protection.	Manufacture unknown
Asbestos Brake Shoes —used on locomotives, railcars and cabooses.	Railroad Friction Products Westinghouse Griffin Wheel Co. ABEX Comet Brake Shoes Anchor Brake Shoes
Asbestos Arc Chutes and Wire Covering —used to provide protection for high voltage and high current wiring on locomotives.	General Electric Unknown manufacturers
Asbestos Flexible Train Line Insulation —used in insulating steam lines on railcars and	Gustin-Bacon Unknown manufacturers

locomotives.	
Asbestos Lagging & Packing Materials	Johns-Manville Union Asbestos & Rubber Co. (UNARCO) Fibreboard (PABCO) Owens-Corning Fiberglass Owens Illinois Philip Carey (Celotex) Garlock Kirkhill, Inc. Crane Packing (No. 800 HP) Durable Man. Co.
Asbestos Millboard —often used in flame resistant applications such as behind stoves in cabooses.	Insulating and Materials Co. Johns-Manville General Electric
Asbestos Paper & Sheet Asbestos	General Gasket Co. Garlock U.S. Rubber Co.
Asbestos Spray Insulation —used as fireproofing on underside of freight cars.	Unknown at this time
Steam Generators --on Diesel Locomotives	Vapor-Clarkson Elesco
Asbestos Gloves & Mittens	Sager Glove Co. Midwest Safety Equipment
Asbestos Paint —used as anti-skid paint on locomotives and railcars.	Frost Paint Co.
Asbestos Floor Tile	Unknown at this time
Asbestos Ceiling Tile	Unknown at this time
Asbestos Cloth	Unknown at this time
Transite Wallboard and Pipe	Unknown at this time
Fireproofing and Insulating Cements	Unknown at this time

INTERROGATORY NO. 12: State the name, last known address and telephone number of each person who witnessed the exposure to asbestos or other toxic material and identify those persons:

(a) Who Charles Moore or his attorneys or agents have contacted or interviewed; and